

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 3, 2004

CALL TO ORDER/NOTING OF QUORUM

Chairman Herriman called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey and Executive Secretary Webb.

Marc Carmichael of IBA, Jim Purucker of WSWI and John Barnett of DISCUS were present as observers.

DISPOSITION OF MINUTES

Commissioner Davis moved to approve the minutes that were submitted for the July 20, 2004 meeting. Vice Chairperson Glass seconded the vote, Commissioner Marks approved and Chairman Herriman abstained.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairperson Glass moved to approve the PAD forms that were submitted for the August 3, 2004 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

RR24-20585 PAPPY'S PIZZA, INC. – Hearing Judge Webb stated this was a recommended denial of a new permit by the Franklin County Local Board and an upholding of that recommendation by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation and deny the new permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

One hundred seventy-one (171) renewals approved, sixteen (16) new and/or transfer permits approved, three (3) permits conditionally approved, seven (7) permits approved for catering, two (2) permits approved for first year escrow and two (2) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR71-94251 BENCHWARMERS SPORTS LOUNGE, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve. There were remonstrators present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR76-21067 HIGWELL LIMITED D/B/A LIGHTHOUSE PIZZA – Vice Chairperson Glass noted this is a new type 111 application with the local board voting three (3) to zero (0) to disapprove. The local board stated there is no need or desire for these services in the community.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make twelve (12) permits inactive. Nine (9) permits are not subject to auction and three (3) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals From Local Board Recommendations

OLD BUSINESS

No Old Business

NEW BUSINESS

NATIONAL WINE & SPIRITS FALL WINE TASTING – National Wine & Spirits would like to hold a wine tasting.

SWAT CHALLENGE – Indiana SWAT Officers Association would like to accept and serve donated alcoholic beverages for their training conference.

10TH ANNUAL ENSHRINEMENT FESTIVAL AND BANQUET – College Football Hall of Fame would like to serve donated alcoholic beverages at their 10th Annual Enshrinement Festival and Banquet.

ARTHRITIS FOUNDATION WINE TASTING – The Arthritis Foundation would like to use donated wine at their wine tasting event.

ARTHRITIS FOUNDATION EVENING OF APPRECIATION – The Arthritis Foundation would like to serve donated alcoholic beverages at their Evening of Appreciation for Volunteers event.

CHILDREN'S MUSEUM VIP PARTY – The Children's Museum Guild would like to serve donated alcoholic beverages at their VIP Party for the sponsors of the 2004 Children's Museum Haunted House.

EXCHANGE CLUB OF PORTAGE, INDIANA WINE TASTING/SILENT AUCTION – Exchange Club of Portage, Indiana would like to use donated wine for their wine tasting/silent auction.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

BEER SAMPLING RULE – Executive Secretary Webb recommended the written public comment period concerning the beer sampling rule be extended to August 17, 2004.

Chairman Herriman moved to approve this recommendation. Motion seconded by Commissioner Davis and it was unanimously approved.

KEG RULE AMENDMENT – Executive Secretary Webb recommended the written public comment period concerning the keg rule amendment be extended to August 17, 2004.

Chairman Herriman moved to approve this recommendation. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

UNDER ADVISEMENT

Nothing Under Adviseement

ANNOUNCEMENTS

APPOINTMENT OF NEW SUPERINTENDENT – Chairman Herriman noted that Superintendent Penny Davis turned in her resignation due to family reasons. He stated that she is a woman of incredible integrity and that she did a fantastic job, having come into this agency at a very difficult time. Penny will be missed.

The Governor announced that the new Superintendent of the Indiana State Excise Police is Alex Huskey.

Commissioner Davis moved to ratify the appointment of Alex Huskey to the position of Superintendent of the Indiana State Excise Police. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2004.

BART HERRIMAN, CHAIRMAN

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER